

U.S. Patent Application Serial No. 10/509,673
Amendment filed January 23, 2008
Reply to OA dated May 23, 2007

REMARKS

Claims 1, 3 and 5-24 are pending in this application. Claims 1, 3, 6, 11 and 19 are amended and claim 25 is newly added herein. Upon entry of this amendment, claims 1, 3 and 5-25 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is discussed below.

Telephone Interview Summary

Applicant's agent, Daniel Geselowitz, conducted a telephone interview with Examiner Phil Wiest and Supervisory Patent Examiner Leslie Deak. Applicant greatly appreciates the courtesy of the Examiners in conducting this interview.

In the interview, Applicant's agent discussed the four rejections and the four cited references. With regard to the rejection of claim 16 and 24 under 35 U.S.C. 102(b) over Iguchi et al., the Examiners indicated that they considered Iguchi's packet 5 within space 4 to be the small container within one of multiple chambers. However, when Applicant's agent asked where Iguchi showed the structural limitations of the partitioning seal portion, the Examiners admitted that there appeared to be no such disclosure. Examiner Wiest indicated that, perhaps, he had intended for this to be a rejection under 35 U.S.C. 103(a) citing an additional reference.

Upon discussion of the rejection of claims 1 and 5-16 under 35 U.S.C. 103(a) over Inoue in view of Becker, several possible issues of claim indefiniteness arose.

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In particular, Examiner Deak stated that the wording “disposed in” was not clear, and she requested wording more clearly indicating that the small chamber was completely within one of the multiple chambers.

A second issue was regarding the recitation in claim 1, line 6, that the “partitioning seal portion” is openable to allow communication between the multiple chambers. The Examiners considered it not to be clear where the small container is opening to.

Accordingly, the claims have been amended herein to address the issues raised during the telephone interview, and to more clearly recite the present invention.

Claims 16 and 24 are rejected under 35 U.S.C. §102(b) as being anticipated by Iguchi et al. (U.S. Patent No. 6,232,128). (Office action paragraph no. 3)

Claims 1 and 5-16 are rejected under 35 U.S.C. §103(a) as being anticipated by Inoue et al. (U.S. Patent No. 5,423,421) in view of Becker et al. (U.S. Patent No. 6,319,243). (Office action paragraph no. 5)

Claims 3 and 17-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Larkin (U.S. Patent No. 4,602,910) in view of Becker et al. (U.S. Patent No. 6,319,243). (Office action paragraph no. 15)

Claims 13 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable by Inoue et al. in view of Larkin. (Office action paragraph no. 24)

Reconsideration of these rejections is respectfully requested in view of the present amendments to the claims.

In the amendment to claim 1, the recitation "disposed in" is replaced by --located within--, for clarity. The recitation of "the partitioning seal portion being formed by bonding opposed inner wall surfaces of the container body separably," is replaced by "wherein the partitioning seal portion is formed by separably bonding opposing inner wall surfaces of the container body." In addition, the recitation of "the additional small container opening in accordance with the separation of the inner wall surfaces caused by opening the partitioning seal portion" has been replaced by "the small container is structured to open in response to external force."

In addition, the structure of the small container is clarified, with the recitation that: "the small container has a bonded portion bonded to the container body, and the bonded portion comprises opposing outer surfaces of the sheet material, wherein the opposing outer surfaces are each bonded to the opposing inner wall surfaces of the container body in the vicinity of the partitioning seal portion." Support for this amendment may be found at page 10, lines 5-14, and page 11, lines 13-17. Fig. 2a illustrates bonded portion 19 in the vicinity of partition weak sealed portion 13, and opposing outer surfaces of bonded portion 19 can be seen to be bound to opposing inner wall surfaces of the container body in the vicinity of partition weak sealed portion 13.

In the amendment to claim 3, the recitation "disposed in" is replaced by --located within--, for clarity. The recitation regarding how the partitioning seal portion is formed is grammatically clarified. The recitation of "the partitioning seal portion being openable ...," and the last clause of

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the claim reciting "the additional small container opening in accordance ..." are deleted and replaced with "the small container is structured to open in response to external force."

The recitation regarding the structure of the small container has been replaced by: "the small container has a bonded portion bonded to the container body, and the bonded portion comprises opposing outer surfaces of the sheet material, wherein the opposing outer surfaces are each bonded to the inner wall surfaces of the container body within the partitioning seal portion." Support for this amendment may be found at page 12, lines 7-8, of the specification, which disclose: "Furthermore, the small container 15 can be inserted into the partitioning weak seal portion 13."

Clarifying amendments are also made to claims 6, 11 and 19.

Support for new claim 25 may be found at page 9, lines 13-22.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosures: RCE Transmittal
Petition for Extension of Time
Amendment Fee Transmittal

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